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LACASSE & ASSOCIATES, LLC 1725 DUKE STREET SUITE 650 ALEXANDRIA, VA 22314			CHOI, PETER H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,268

Applicant(s)

KRAFT ET AL.

Examiner

Peter Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/21/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This **Final** Office Action is responsive to Applicant's amendment filed June 21, 2006. Claims 28-55 are pending in the application.

Response to Amendment

2. The previous rejection of claims 29-30 raised under 35 U.S.C 112, second paragraph, are withdrawn.

Response to Arguments

3. Applicant's arguments filed January 12, 2006 have been fully considered but they are not persuasive.

Applicant argues that the "substitute worker" cited by the Examiner is different from the event or "employee absence", asserting that the worker is a person and not the event.

The Examiner respectfully disagrees. The Examiner has never asserted that a worker is an event. The Examiner has asserted that an employee absence is an event. The applicant's specification does not explicitly define "event", instead likening an event

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to a window of opportunity (see lines 19-21 on page 6). The Examiner has interpreted an employee absence as an "event" that requires fulfillment, providing a window of opportunity for a service provider to provide substitute fulfillment services.

Lines 11-13 on page 7 of the specification further disclose that once a window of opportunity is identified, the location and starting time are determined. The Examiner asserts that a specific location and starting time is associated with the shift of an absent employee.

Applicant argues that the "absence" in Thompson does not generate an increase in sales, as a "substitute worker" cannot increase sales and does not correlate to the event.

The Examiner respectfully disagrees. The applicant's specification does not explicitly define a "sale". When a service provider serves as a substitute worker, said service provider has registered a "sale". If said service provider was not selected to fulfill the employee absence, they would not receive any revenue or payment from a "sale". If said service provider is selected to fulfill the employee absence, then they receive revenue or payment from a "sale" that they would not have otherwise received; thus, their "sales" have increased.

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Applicant argues that Thompson does not disclose any mechanism comparable to analyzing the likelihood of an increase in sales.

The Examiner respectfully disagrees. The Applicant's specification discloses that an event is analyzed based on a set of criteria and rules (page 12, lines 18-20). The Examiner asserts that Thompson's evaluation of the adequacy of candidates to perform substitute work due to employee absence (i.e., an "event") is also based on a set of criteria and rules ("the substitute fulfillment system uses the database to identify potential substitutes, temporary workers or floating workers based on preferences or criteria selected by the organization and other information", Column 5, lines 29-33 and, "In order to perform the substitute fulfillment, generally, first, the administrator must determine which classes the absent teacher teaches and what skills are required of a replacement. In the education system context, state law may also regulate the minimal qualifications for a substitute teacher, both in general and for the specific type of position that must be filled", Column 3, lines 16-22). Thompson et al. teaches that management may develop multiple substitution candidate profiles, with more demanding requirements for ideal or preferred substitutes, and with less demanding, threshold requirements for merely acceptable substitutes. Once the appropriate qualifications for an acceptable substitute are established, management may consider potential replacements from a prepared list of candidates [Column 2, lines 30-37]. Thompson et al. generates a list of preferred replacements and a back-up list of acceptable replacements [Column 11, lines 39-41]. The Examiner asserts that by

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evaluating the adequacy of candidates (as an acceptable or preferred replacement), Thompson assesses the likelihood of selection to perform substitute work (and thereby increase sales). If a candidate is deemed to be an ideal or preferred substitute worker, this designation increases the likelihood of selection and sales, when compared to candidates deemed to be merely acceptable or unacceptable. As argued above, when a substitute worker provides services, it results in an increase in sales; thus, a candidate deemed to be highly qualified/desirable would increase the likelihood of sales (i.e., the candidate performing the substitute work).

Applicant argues that the Examiner's argument that "providing a substitute/replacement worker results in a "sale" which generates revenue for the service provider" is incorrect.

The Examiner respectfully disagrees. When a service provider serves as a substitute worker, said service provider has registered a "sale". If said service provider was not selected to fulfill the employee absence, they would not receive any revenue or payment from a "sale". If said service provider is selected to fulfill the employee absence, then they receive revenue or payment from a "sale" that they would not have otherwise received; thus, their "sales" have increased.

Applicant argues that English does not supply the deficiency in Thompson et al. yet does not point out specific perceived deficiencies. English provides capabilities to

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tracking the location of users, which enhances the capabilities of the Thompson et al. system in providing substitute fulfillment required by employee absence.

It is noted that the Applicant did not challenge the statements of concepts that were old and well known at the time of invention, as cited in the first Office Action mailed July 7, 2005; therefore, those statements are presented herein as prior art.

Specifically, it is old and well known in the art that:

- Institutions and organizations would modify their profile to reflect updated skills, qualifications, services provided, needs, or qualifications required
- Databases may be accessed internally (as coupled with a computer system) or externally with the same functionality.
- Managing and customizing consumer profiles provides the benefit of establishing a collection of data about consumers that contain descriptive information emphasizing specific skills and abilities that may make themselves a more attractive candidate for providing a service.
- Service providers keep historical records of vehicle/employee usage, the services provided, the technicians who performed the services, the customers serviced, and the location (or address) where the service was provided.

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- Storing service information (what kind of services were provided, and where) in a database would enable data mining analysis to determine if specific areas have higher frequency of services required.
- GPS receivers continuously transmit location data to tracking systems.
- Linking the location tracker to the customer's profile would enable a service provider brokering system to determine customer usage and preferences (in terms of service providers), and attempt to find a service provider nearby who meets customer preferences and is qualified to provide service.
- Customizing and managing profile data in a database would enable data mining analysis to determine if specific customer segments have any specific tendencies (with regard to frequency of services, types of services, etc.).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 28-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (U.S Patent #6,675,151).

As per claim 28, Thompson et al. teaches a computer-based (**computer-implemented**) system utilizing an event matching system for service providers, said system comprising:

- (a) a window of opportunity event generator (**substitute fulfillment system**),
 - (i) said window of opportunity event generator automatically identifying an event (**employee absence**) [Column 2, lines 5-7, Column 4, line 64 – Column 5, line 2],
 - (ii) said event comprising an unexpected period of inactivity when a scheduled activity is blocked **{employee's absence creates a workshift that must be fulfilled}**;
- (b) a distribution channel analyzer,
 - (i) said distribution channel analyzer analyzing said event (**employee registering an absence**) to determine whether said event is likely to generate an increase in sales **{any substitute worker provided by a service provider generates an increase in revenue/income/"sales" that would not otherwise be available}** [Column 2, lines 34-38]; and
- (c) an event matcher,
 - (i) said event matcher receiving said event (**employee registering an absence**) from said distribution channel analyzer if said distribution channel analyzer

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determines that said event is likely to generate said increase in sales {**employee's absence creates a workshift that must be fulfilled; any substitute worker provided by a service provider generates an increase in revenue/income/"sales" that would not otherwise be available; therefore, any substitute worker provided by a service provider to fulfill a workshift vacated by an absent employee will result in an increase in sales/revenue/income**}, and

(ii) said event matcher selecting at least one of said service providers for said event from a service provider database (**of registered substitutes and potential replacements/substitutes**) [Column 2, lines 34-38, Column 5, lines 9-12].

As per claim 29, Thompson et al. teaches a system according to claim 28, further comprising:

an accounting manager,

said accounting manager cooperating with said event matcher to provide an accounting functionality (**billing information for billing substitute fulfillment services 100**) for said at least one of said service providers [Column 9, lines 35-37, Figure 3].

As per claim 30, Thompson et al. teaches the system according to claim 29, wherein:

said database comprises a service provider profile database,

said service provider profile database containing informational data of said service providers **(necessary information relating to teachers, substitution criteria, registered substitutes and potential replacements/substitutes is entered and maintained in a database)** [Column 3, lines 51-54].

As per claim 31, Thompson et al. does not explicitly teach the system according to claim 28, wherein:

said system further utilizes a service provider profile manager for said service provider database,

said service provider profile manager allowing service providers to customize and manage profile data in said service provider database.

However, it has been admitted as prior art as a result of unchallenged Official Notice that it is old and well known that institutions and organizations would modify their profile to reflect updated skills, qualifications, services provided, needs, or qualifications required.

Thompson et al. is directed towards performing substitute fulfillment and stores requirements and skills of suitable substitutes and of the job needed to be fulfilled; thus, customizing profile data would enable Thompson et al. to accurately match substitute candidates according to the requirements for ideal or preferred substitutes.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include means to allow institutions and organizations to modify their profile because doing so would allow Thompson et al. to utilize an accurate representation of the skills, abilities, and requirements needed to evaluate prospective applicant's qualifications to provide services, or to evaluate services needed. Evaluating the qualifications of prospective applicants and the requisite skills, abilities and requirements to find ideal substitutes is a goal of Thompson et al. ("management must typically identify the scope of the absentee worker's critical responsibilities and skills to establish criteria for identifying a suitable substitute and develop a substitution candidate profile. Typically, multiple substitution candidate profiles may be established, with more demanding requirements for ideal or preferred substitutes, and with less demanding, threshold requirements for merely acceptable substitutes" [Column 2, lines 27-34] and that "Data records 407 and 408 include the preferred skills required of a potential substitute and the skills of the actual substitute who accepts the position, respectively" [Column 10, lines 10-12, 29-30]).

As per claim 32, Thompson et al. teaches the system according to claim 28, wherein:

said system further utilizes an event database,

said event database storing data relating to events for which a service provider is selected by said event matcher (**database 34 that includes historical system use information**) [Column 12, lines 48-49].

As per claim 33, Thompson et al. teaches the system according to claim 28, wherein:

said distribution channel analyzer further utilizes a channel rules database containing rules **(qualifications required for acceptable substitutes; necessary information relating to teachers, substitution criteria, registered substitutes, etc. is entered and maintained in a database)** to be applied to particular channels [Column 2, lines 34-38, Column 3, lines 51-53].

As per claim 34, Thompson et al. teaches the system according to claim 28, wherein:

said distribution channel analyzer further utilizes data and rules obtained from an institutional or organizational database,

said institutional or organizational database containing additional informational data of selected institutions or organizations **(prepared lists of candidates, or potential substitutes, substitution criteria, registered substitutes, etc.)** [Column 2, lines 35-38, Column 3, lines 51-54].

As per claim 35, Thompson et al. does not explicitly teach the system according 34, wherein:

said data and rules of said distribution channel analyzer further utilize an institutional or organizational profile manager,

said manager allowing said selected institutions or organizations to customize and manage profile data in said database.

However, it has been admitted as prior art as a result of unchallenged Official Notice that it is old and well known that institutions and organizations would modify their profile to reflect updated skills, qualifications, services provided, needs, or qualifications required.

Thompson et al. is directed towards performing substitute fulfillment and stores requirements and skills of suitable substitutes and of the job needed to be fulfilled; thus, customizing profile data would enable Thompson et al. to accurately match substitute candidates according to the requirements for ideal or preferred substitutes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include means to allow institutions and organizations to modify their profile because doing so would allow Thompson et al. to utilize an accurate representation of the skills, abilities, and requirements needed to evaluate prospective applicant's qualifications to provide services, or to evaluate services needed. Evaluating the qualifications of prospective applicants and the requisite skills, abilities and requirements to find ideal substitutes is a goal of Thompson et al. ("management must typically identify the scope of the absentee worker's critical responsibilities and skills to establish criteria for identifying a suitable

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substitute and develop a substitution candidate profile. Typically, multiple substitution candidate profiles may be established, with more demanding requirements for ideal or preferred substitutes, and with less demanding, threshold requirements for merely acceptable substitutes" [Column 2, lines 27-34] and that "Data records 407 and 408 include the preferred skills required of a potential substitute and the skills of the actual substitute who accepts the position, respectively" [Column 10, lines 10-12, 29-30]).

Claim 49 recites limitations already addressed by the rejection of claim 35 above; therefore, the same rejection applies

As per claim 36, Thompson et al. teaches the system according to claim 28, wherein:

said system further comprises a subscription management service (**only authorized parties of interest can access**), wherein:

at least one said unexpected period of inactivity is defined for tracking (**unexpected events, benefits, policies and daily announcements**) [Column 5, lines 17-25 and 51-60].

As per claim 42, Thompson et al. teaches an e-commerce method for enhancing sales of service providers (**temporary employment substituting for absent employees**), said service providers in communication across networks and available to provide one or more specific service through directed sales to selected customers

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(organizations requiring temporary, replacement or substitute workers), said method comprising the steps of:

- (a) automatically detecting at least one sales opportunity **(temporary employment)** based on at least one unexpected period of inactivity **(employee absence)** when a scheduled activity is blocked **{employee absence creates a workshift that must be fulfilled}** [Column 2, lines 5-7, Column 4, line 64 – Column 5, line 2];
- (b) analyzing said at least one sales opportunity **(a list of criteria for selecting an appropriate substitute 104, flags for special conditions 122)**, to determine whether said sales opportunity is a beneficial opportunity likely to generate an increase in sales **{providing a substitute/replacement worker results in a “sale”, which generates revenue for the service provider}** [Column 9, lines 37-45];
- (c) matching said beneficial opportunity **(need for substitute/replacement employee)** with information from a subscriber profile database **(qualifications)** to select one or more of said service providers as a selected service provider **(potential substitutes)** [Column 15, lines 26-30]; and
- (d) notifying said selected service provider **(potential substitutes, interested parties, designated groups of people)** of said beneficial opportunity **{temporary employment}** [Column 13, lines 19-20 and 39-48 and Column 15, lines 32-35]; and

As per claim 43, Thompson et al. teaches the method according to claim 42, further comprising the step of:

providing an accounting functionality (**billing information for billing substitute fulfillment services 100**) for said one or more of said service providers (**potential substitute**) by analyzing events and transactions of actual sales (**potential substitute fulfilling need for worker substitution**) [Column 9, lines 35-37, Figure 3].

As per claim 44, Thompson et al. teaches the method according to claim 42, wherein:

said step of matching said beneficial opportunity with information from a subscriber profile database further comprises using a service provider profile database (**necessary information relating to teachers, substitution criteria, registered substitutes, etc. is entered and maintained in a database**) [Column 3, lines 51-54].

Although Thompson et al. does not explicitly teach the use of an external service provider profile database, it is old and well known in the art that databases may be accessed internally (as coupled with a computer system) or externally with the same functionality, thus making the database taught by Thompson et al. meet the limitations of the claim.

As per claim 45, Thompson et al. does not explicitly teach the method according to claim 44, further comprising the step of:

managing and customizing profiles of said service providers in said service provider profile databases.

However, it has been admitted as prior art as a result of unchallenged Official Notice that it is old and well known that institutions and organizations would modify their profile to reflect updated skills, qualifications, services provided, needs, or qualifications required.

Thompson et al. is directed towards performing substitute fulfillment and stores requirements and skills of suitable substitutes and of the job needed to be fulfilled; thus, customizing profile data would enable Thompson et al. to accurately match substitute candidates according to the requirements for ideal or preferred substitutes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include means to allow institutions and organizations to modify their profile because doing so would allow Thompson et al. to utilize an accurate representation of the skills, abilities, and requirements needed to evaluate prospective applicant's qualifications to provide services, or to evaluate services needed. Evaluating the qualifications of prospective applicants and the requisite skills, abilities and requirements to find ideal substitutes is a goal of Thompson et al. ("management must typically identify the scope of the absentee worker's critical responsibilities and skills to establish criteria for identifying a suitable substitute and develop a substitution candidate profile. Typically, multiple substitution candidate profiles may be established, with more demanding requirements for ideal or

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preferred substitutes, and with less demanding, threshold requirements for merely acceptable substitutes" [Column 2, lines 27-34] and that "Data records 407 and 408 include the preferred skills required of a potential substitute and the skills of the actual substitute who accepts the position, respectively" [Column 10, lines 10-12, 29-30]).

As per claim 46, Thompson et al. teaches the method according to claim 42, further comprising the step of:

storing data of said events in an event database (**database 34 that includes historical system use information**) [Column 12, lines 48-49].

As per claim 47, Thompson et al. teaches the method according to claim 42, further comprising the step of:

obtaining rules (**qualifications required for acceptable substitutes, substitution criteria**) from a channel rules database (**necessary information relating to teachers, substitution criteria, registered substitutes, etc. is entered and maintained in a database**) to be applied to particular channels [Column 2, lines 34-38 and Column 3, lines 51-53]

As per claim 48, Thompson et al. teaches the method according to claim 42, further comprising the step of:

obtaining rules (**qualifications required for acceptable substitutes, substitution criteria**) from an institutional/organizational profile database containing

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data of selected institutions or organizations in which events may take place
(necessary information relating to teachers, substitution criteria, registered substitutes, etc. is entered and maintained in a database) [Column 2, lines 34-38, Column 3, lines 51-53].

As per claim 50, Thompson et al. teaches the method according to claim 42, further comprising the step of:

tracking schedules of subscribed consumer or said service providers **(track the absences of each particular worker; the organization which requires temporary workers may designate the date and time for the position; schedule information, preferably through a pop-up calendar 106, and availability 126 {primarily for substitutes}; substitute schedule information is also stored in data record 403)** [Column 5, lines 46-47, 63-64, Column 9, lines 40-44, 53-54].

As per claim 55, Thompson et al. teaches an article of manufacture comprising a computer program product, said computer program product comprising a computer readable medium storing processor-executable program code:

said computer readable program code embodying a method comprising the steps of:

(a) automatically detecting at least one sales opportunity **(temporary employment)** based on at least one unexpected period of inactivity **(employee absence)** when a scheduled activity is blocked **{employee absence creates a**

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workshift that must be fulfilled} [Column 2, lines 5-7, Column 4, line 64 – Column 5, line 2];

(b) analyzing said at least one sales opportunity (**a list of criteria for selecting an appropriate substitute 104, flags for special conditions 122**), to determine whether said sales opportunity is a beneficial opportunity likely to generate an increase in sales **{providing a substitute/replacement worker results in a “sale”, which generates revenue for the service provider}** [Column 9, lines 37-45];

(c) matching said beneficial opportunity (**need for substitute/replacement employee**) with information from a subscriber profile database (**qualifications**) to select one or more of said service providers as a selected service provider (**potential substitutes**) [Column 15, lines 26-30]; and

(d) aiding in notifying said selected service provider (**potential substitutes, interested parties, designated groups of people**) of said beneficial opportunity **{temporary employment}** [Column 13, lines 19-20 and 39-48 and Column 15, lines 32-35].

5. Claims 37-41 and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. as applied to claim 28 above, and further in view of Robert English's "Locked in Your Car? You Can Choose Who Helps You In And Out Of Your Jam" (hereafter referred to as English).

As per claim 37, although not taught by Thompson et al., English teaches a computer-based (**computer implemented**) system that utilizes an event matching system for service providers (**OnStar**) based on an unexpected change in a schedule of service (**accident, automobile crash**), as per claim 36, wherein said system further utilizes a location tracker (**GPS system and cellular network**), said tracker used to keep track of subscribed consumers (**OnStar members**).

Both Thompson et al. and the English reference are directed towards the analogous art of providing emergency services in response to [automatically] identified unscheduled/unplanned events; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include the location tracker as taught by English because doing so would enable Thompson et al. to expand its capabilities to detect a user's need for require substitution fulfillment, thereby determining the location of the user, which enables an evaluation of nearby service providers most suitable to provide prompt service that meet the needs of the user. Assessing the requirements of the user to provide capable substitutes is a goal of Thompson et al. ("management must typically identify the scope of the absentee worker's critical responsibilities and skills to establish criteria for identifying a suitable substitute and develop a substitution candidate profile. Typically, multiple substitution candidate profiles may be established, with more demanding requirements for ideal or preferred substitutes, and with less demanding, threshold requirements for merely acceptable substitutes" [Column 2, lines 27-34] and that "Data records 407 and 408

include the preferred skills required of a potential substitute and the skills of the actual substitute who accepts the position, respectively" [Column 10, lines 10-12, 29-30]).

As per claim 38, Thompson et al. teaches the system according to claim 37, wherein:

said location tracker further comprises a consumer profile database for storing consumers' informational data (**database may store a business data record 130 with fields such as: the billing address 132 of the customer organization, its mailing address 134, billing contact 136, emergency contacts 138, phone numbers 140, fax numbers 142, electronic mail addresses 144, and options selected 148**) [Column 9, lines 55-61, Figure 4].

Furthermore, the Onstar system taught by English utilizes the GPS system and a cellular network to help (automobile) drivers with problems. Cars are registered to their owners; thus, each vehicle's unique VIN (vehicle identification number) would be linked to information about the vehicle's owner (name, address, etc.). Furthermore, English discloses that Onstar is a subscription service that requires users to pay a monthly fee. Inherently, Onstar stores information regarding their subscribers (car make and model, subscriber name, address, etc.).

Both Thompson et al. and the English reference are directed towards the analogous art of providing emergency services in response to [automatically] identified

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unscheduled/unplanned events; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include a database storing consumer information because doing so would enable Thompson et al. to expand its capabilities to detect a user's need for require substitution fulfillment, thereby determining the location of the user and matching of local service providers (based on the consumer's current or future location) that are best equipped to meet the needs and preferences of the consumer. Assessing the requirements of the user to provide capable substitutes is a goal of Thompson et al. ("management must typically identify the scope of the absentee worker's critical responsibilities and skills to establish criteria for identifying a suitable substitute and develop a substitution candidate profile. Typically, multiple substitution candidate profiles may be established, with more demanding requirements for ideal or preferred substitutes, and with less demanding, threshold requirements for merely acceptable substitutes" [Column 2, lines 27-34] and that "Data records 407 and 408 include the preferred skills required of a potential substitute and the skills of the actual substitute who accepts the position, respectively" [Column 10, lines 10-12, 29-30]).

As per claim 39, Thompson et al. does not explicitly teach the system according to claim 38, wherein:

said location tracker further utilizes a consumer profile manager, wherein:

said manager allows consumers to customize and manage profile data in said database.

However, it has been admitted as prior art as a result of unchallenged Official Notice that it is old and well known that institutions and organizations would modify their profile to reflect updated skills, qualifications, services provided, needs, or qualifications required.

Thompson et al. is directed towards performing substitute fulfillment and stores requirements and skills of suitable substitutes and of the job needed to be fulfilled; thus, customizing profile data would enable Thompson et al. to accurately match substitute candidates according to the requirements for ideal or preferred substitutes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include means to allow institutions and organizations to modify their profile because doing so would allow Thompson et al. to utilize an accurate representation of the skills, abilities, and requirements needed to evaluate prospective applicant's qualifications to provide services, or to evaluate services needed. Evaluating the qualifications of prospective applicants and the requisite skills, abilities and requirements to find ideal substitutes is a goal of Thompson et al. ("management must typically identify the scope of the absentee worker's critical responsibilities and skills to establish criteria for identifying a suitable substitute and develop a substitution candidate profile. Typically, multiple substitution candidate profiles may be established, with more demanding requirements for ideal or

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preferred substitutes, and with less demanding, threshold requirements for merely acceptable substitutes" [Column 2, lines 27-34] and that "Data records 407 and 408 include the preferred skills required of a potential substitute and the skills of the actual substitute who accepts the position, respectively" [Column 10, lines 10-12, 29-30]).

As per claim 40, although not taught by Thompson et al., English teaches a computer-based **(computer implemented)** system that utilizes an event matching system for service providers **(OnStar)** based on an unexpected change in a schedule of service **(accident, automobile crash)**, as per claim 37, wherein said system further utilizes a tracking device **{the GPS system and cellular network transmitters located within the car}** used to transmit location data continuously to said location tracker **(GPS system and cellular network)**.

Both Thompson et al. and the English reference are directed towards the analogous art of providing emergency services in response to [automatically] identified unscheduled/unplanned events; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include the location tracker as taught by English to determine the location of the user, enabling an evaluation of nearby service providers most suitable to provide prompt service that meet the needs of the user.

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As per claim 41, although not taught by Thompson et al., English teaches a computer-based **(computer implemented)** system that utilizes an event matching system for service providers **(OnStar)** based on an unexpected change in a schedule of service **(accident, automobile crash)**, as per claim 40, wherein said generator tracking device utilizes: GPS and wireless system.

Both Thompson et al. and the English reference are directed towards the analogous art of providing emergency services in response to [automatically] identified unscheduled/unplanned events; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include a database storing consumer information because doing so would enable Thompson et al. to expand its capabilities to detect a user's need for require substitution fulfillment, thereby determining the location of the user and matching of local service providers (based on the consumer's current or future location) that are best equipped to meet the needs and preferences of the consumer. Assessing the requirements of the user to provide capable substitutes is a goal of Thompson et al. ("management must typically identify the scope of the absentee worker's critical responsibilities and skills to establish criteria for identifying a suitable substitute and develop a substitution candidate profile. Typically, multiple substitution candidate profiles may be established, with more demanding requirements for ideal or preferred substitutes, and with less demanding, threshold requirements for merely acceptable substitutes" [Column 2, lines 27-34] and that "Data records 407 and 408 include the preferred skills required of a

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potential substitute and the skills of the actual substitute who accepts the position, respectively" [Column 10, lines 10-12, 29-30]).

As per claim 51, although not taught by Thompson et al., English teaches a method according to claim 50, further comprising the step of:

utilizing a tracking device **{the GPS system and cellular network transmitters located within the car}** to keep track of the location of said subscribed consumers **(OnStar members)**.

Both Thompson et al. and the English reference are directed towards the analogous art of providing emergency services in response to [automatically] identified unscheduled/unplanned events; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include a database storing consumer information because doing so would enable Thompson et al. to expand its capabilities to detect a user's need for require substitution fulfillment, thereby determining the location of the user and matching of local service providers (based on the consumer's current or future location) that are best equipped to meet the needs and preferences of the consumer. Assessing the requirements of the user to provide capable substitutes is a goal of Thompson et al. ("management must typically identify the scope of the absentee worker's critical responsibilities and skills to establish criteria for identifying a suitable substitute and develop a substitution candidate profile. Typically, multiple substitution candidate profiles may be established,

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with more demanding requirements for ideal or preferred substitutes, and with less demanding, threshold requirements for merely acceptable substitutes" [Column 2, lines 27-34] and that "Data records 407 and 408 include the preferred skills required of a potential substitute and the skills of the actual substitute who accepts the position, respectively" [Column 10, lines 10-12, 29-30]).

As per claim 52, although not taught by Thompson et al., English teaches a method according to claim 51, wherein said tracking device generates said location data from a source of positional data selected from the group consisting of: GPS and wireless system.

Both Thompson et al. and the English reference are directed towards the analogous art of providing emergency services in response to [automatically] identified unscheduled/unplanned events; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include a database storing consumer information because doing so would enable Thompson et al. to expand its capabilities to detect a user's need for require substitution fulfillment, thereby determining the location of the user and matching of local service providers (based on the consumer's current or future location) that are best equipped to meet the needs and preferences of the consumer. Assessing the requirements of the user to provide capable substitutes is a goal of Thompson et al. ("management must typically identify the scope of the absentee worker's critical responsibilities and skills to

establish criteria for identifying a suitable substitute and develop a substitution candidate profile. Typically, multiple substitution candidate profiles may be established, with more demanding requirements for ideal or preferred substitutes, and with less demanding, threshold requirements for merely acceptable substitutes" [Column 2, lines 27-34] and that "Data records 407 and 408 include the preferred skills required of a potential substitute and the skills of the actual substitute who accepts the position, respectively" [Column 10, lines 10-12, 29-30]).

As per claim 53, Thompson et al. does not explicitly teach the method according to claim 50, further comprising the step of:

storing a profile of at least one consumer in a consumer profile database.

However, the Onstar system taught by English utilizes the GPS system and a cellular network to help (automobile) drivers with problems. Cars are registered to their owners; thus, each vehicle's unique VIN (vehicle identification number) would be linked to information about the vehicle's owner (name, address, etc.). Furthermore, English discloses that Onstar is a subscription service that requires users to pay a monthly fee. Inherently, Onstar stores information regarding their subscribers (car make and model, subscriber name, address, etc.).

Both Thompson et al. and the English reference are directed towards the analogous art of providing emergency services in response to [automatically] identified

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unscheduled/unplanned events; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include a database storing consumer information because doing so would enable Thompson et al. to expand its capabilities to detect a user's need for require substitution fulfillment, thereby determining the location of the user and matching of local service providers (based on the consumer's current or future location) that are best equipped to meet the needs and preferences of the consumer. Assessing the requirements of the user to provide capable substitutes is a goal of Thompson et al. ("management must typically identify the scope of the absentee worker's critical responsibilities and skills to establish criteria for identifying a suitable substitute and develop a substitution candidate profile. Typically, multiple substitution candidate profiles may be established, with more demanding requirements for ideal or preferred substitutes, and with less demanding, threshold requirements for merely acceptable substitutes" [Column 2, lines 27-34] and that "Data records 407 and 408 include the preferred skills required of a potential substitute and the skills of the actual substitute who accepts the position, respectively" [Column 10, lines 10-12, 29-30]).

As per claim 54, Thompson et al. does not explicitly teach the method according to claim 53, further comprising the step of:

managing and customizing said profile of said at least one consumer in said consumer profile database.

However, it has been admitted as prior art as a result of unchallenged Official Notice that it is old and well known that institutions and organizations would modify their profile to reflect updated skills, qualifications, services provided, needs, or qualifications required.

Thompson et al. is directed towards performing substitute fulfillment and stores requirements and skills of suitable substitutes and of the job needed to be fulfilled; thus, customizing profile data would enable Thompson et al. to accurately match substitute candidates according to the requirements for ideal or preferred substitutes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include means to allow institutions and organizations to modify their profile because doing so would allow Thompson et al. to utilize an accurate representation of the skills, abilities, and requirements needed to evaluate prospective applicant's qualifications to provide services, or to evaluate services needed. Evaluating the qualifications of prospective applicants and the requisite skills, abilities and requirements to find ideal substitutes is a goal of Thompson et al. ("management must typically identify the scope of the absentee worker's critical responsibilities and skills to establish criteria for identifying a suitable substitute and develop a substitution candidate profile. Typically, multiple substitution candidate profiles may be established, with more demanding requirements for ideal or preferred substitutes, and with less demanding, threshold requirements for merely

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acceptable substitutes" [Column 2, lines 27-34] and that "Data records 407 and 408 include the preferred skills required of a potential substitute and the skills of the actual substitute who accepts the position, respectively" [Column 10, lines 10-12, 29-30]).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PC

Peter Choi
Examiner
Art Unit 3623

August 23, 2006

Romain Janty
Primary Examiner
Art Unit 3623